

Magazine?

A No.

Q How do you know that?

A Well, I know that Stets and Ous, that it was nowhere in their job description. They were not involved in the editorial end of the magazine and Terry was a designer, but he worked specifically for the entertainment division and he was not designing for the editorial division.

Q The complaint that you gave to Julie Als in the summer of 2004, was that in writing?

A No, it wasn't. It was verbal, and as I mentioned, they took those photos down when we moved and then we moved offices and they put photos back up in their individual cubicles.

Q The move was some time in November of 2004?

A Correct.

Q Where did you move to?

A 23rd Street between 5th and 6th.

Q Do you recall who put the pictures

back up in the new location?

A I knew that Terry did. Jason did and I don't recall who else did.

Q When you said that they were in their cubicles, were the pictures inside their cubicle?

A There were open work stations.

Q Did you complain again about the pictures?

A No, I did not.

Q Were you injured as a result of the images of these women?

MS. LE ROUX: Objection.

You can answer.

A I was offended.

Q Were you injured?

MS. LE ROUX: Objection.

You can answer.

A I was injured in that it added to the way that I felt on everything that had happened to me as a whole, so yes, that added to part of what I went through and how I felt and how I was hurt and offended and incensed and outraged.

Q How did this injury manifest itself?

A I'm sorry, I don't understand your question.

Q How did it manifest itself? Did you have any physiological reaction to the images?

A No.

Q You have described three bases for the claim?

A Correct.

Q One is gender discrimination?

A Yes.

Q A second is sexual harassment?

A Correct.

Q And the third is retaliation, correct?

A Right.

Q Is that correct?

A Yes.

Q Let's focus on the sexual harassment part of your claim. What is the factual basis for your sexual harassment claim?

A As it relates to me?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Yes.

A The first incident occurred when we were in our new office space.

Q This is November of 2004?

A I don't know if it was November of 2004 or December of 2004, but it was our new office space and I was walking down the hall from my office to the reception area to get my lunch and Stets and Wiz, also known as Alvin Childs, was walking behind me and he said to me damn, you look good in those jeans.

Q So this was Alvin Childs said this to you?

A Correct, and I was incredibly offended that he would say that to me.

Q Who else was in your presence when this happened?

A Stets was with him.

Q Anyone else?

A No.

Q Did you complain?

A No, I did not.

Q Did you have another occurrence?

A Yes, I did.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Did you feel injured by this one incident in November of 2004?

A Yes, I did.

Q How did you feel injured?

A I worked in the entertainment industry since the early '90s and in my entire career I had never had somebody who was a subordinate to me, let alone another male that I worked with, speak to me in such a manner.

Q How did it make you feel?

A It made me feel degraded as a woman and he also knew that I was married because my wedding pictures were prominently displayed in my office and I would also reference and talk frequently about my husband, so he was well aware.

Q Did you have any other incident with Alvin Childs?

A Yes, with Alvin Childs. Again I was in my office and I had a lollipop in my mouth and he came in and he was having a brief conversation with me and then he was like damn, I'll give you something to suck on.

Q Did Alvin Childs report to you?

1
2 A No, he did not.

3 Q What was his position?

4 A I am not sure.

5 Q When did this occur?

6 A It also occurred in the new office
7 in late 2004, November or December. I'm not
8 sure when.

9 Q Did you complain?

10 A No, I did not. I didn't complain
11 because I knew that he was a very good friend
12 of Raymond Scott's and I had been told one of
13 his best friends in fact, and as you know
14 Raymond Scott owns the company or owned the
15 company at that point, and I had been told
16 quote unquote that he was untouchable and why
17 complain about somebody that you can't do
18 anything about and also I had a history of
19 complaining about various things over the
20 course of the year and absolutely nothing had
21 been done.

22 Q How did you discover that Alvin
23 Childs was good friends with Ray?

24 A I was told that he was.

25 Q Did this come in context of these

1
2 incidents?

3 A No.

4 Q How did you discover that he was
5 good friends with Ray?

6 A Leroy Peeples told me that at one
7 point and then he, himself, told me that, that
8 he had come from Boston and was good friends
9 with Ray.

10 Q Did you feel injured as a result of
11 this incident?

12 A Yes, I did.

13 Q How did you feel injured?

14 A Degraded, insulted, incredibly
15 ashamed, like why would he say that to me.

16 Q Did you talk to anyone outside of
17 the company about these incidents?

18 A I talked to my best friend about
19 the incident.

20 Q What is her name?

21 A Gina Dennis.

22 Q Did you speak to anyone else?

23 A No, I did not.

24 Q What was the sum and substance of
25 your discussion with her?

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A I told her what had happened to me and how it made me feel and how I was offended and felt that I had been degraded.

Q In the first incident that you had with Alvin Childs, did you ever tell him to stop?

A No, I did not tell him to stop.

Q Did you ever tell him that you didn't appreciate his comments?

A No, I did not.

Q Did you ever tell him that if this continues I'm going to go and complain about it?

A No, I did not.

Q Is there a reason why you didn't say anything to him?

A Yeah, because for an entire year I had been complaining to other people, superiors, people that I thought would help me, people that I thought would listen to me and absolutely nothing had been done, so it was pretty apparent to me at that point that nothing would be done about that either.

Q Ms. Joyce, I'm not talking about

whether you approached management. I'm talking about whether you said something to Mr. Childs.

So I ask you again is there a reason why you didn't say that to him?

A Yeah, because he was one of Ray's best friends and I felt that something would happen to me before it happened to him.

Q Wasn't he a subordinate to you?

A It didn't matter.

Q Is that based on your assumption that something would happen to you?

MS. LE ROUX: Objection.

You can answer.

A It's based on my assumption and what I had seen happen to other people in the workplace prior to.

Q Had anyone else had incident with Alvin Childs and was terminated from The Source?

A Not with him.

Q Well, I'm only focusing on Mr. Childs.

A So no.

Q Is there anybody -- is he part of

the Boston crew?

A Yes, he is.

Q Were there any incidents regarding other women and the Boston crew that you believe resulted in their termination from the source?

A No, not that I'm aware of.

Q So your fear that you would be terminated from The Source if you said anything regarding Alvin Childs was your assumption, correct?

A Correct.

MS. LE ROUX: Objection.

You can answer.

Q The second incident with Mr. Childs concerning this lollipop, did you ever tell him to stop?

A No, I did not.

Q Did you ever tell him that you didn't appreciate his comments?

A No, I did not.

Q Did you ever tell him that it made you feel uncomfortable?

A No, I did not.

1
2 Q Did you ever tell him that if this
3 continues you're going to go to HR?

4 A No, I did not.

5 Q Is there a reason why you didn't
6 say these things to him?

7 A Because I felt that I could not say
8 anything to him because he was one of Raymond's
9 best friends.

10 Q And again your fear that something
11 would happen to you is based on assumption,
12 correct?

13 MS. LE ROUX: Objection.

14 You can answer.

15 A Correct.

16 Q Were there any other incidents with
17 Mr. Childs, other than the two you've
18 described?

19 A Yes.

20 Q With regard to the lollipop
21 incident, did you complain to anybody?

22 A No, I did not.

23 Q Was there a third incident?

24 A Yes, there was.

25 Q When was that?

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

O Is Wiz Alvin Childs?

A Yes, and he said no, I just gave it
r but I told her she had to lick it until
uite came out.

Q Now was that comment directed at
r directed at the other woman?

A That was directed at the other
but said to me, and I just --

Q Who was the other woman?

A I don't remember her name. She was
ern. I believe that she either worked in
omotion department or for the record
but I'm not sure.

Q Did you ever complain to anyone?

A No, I didn't. I just walked away
er and complete disgust.

1
2 Q Did you ever tell him to stop?

3 A No.

4 Q Did you ever tell him not to talk
5 to you that way?

6 A No.

7 Q Did you ever tell him that you felt
8 uncomfortable?

9 A No.

10 Q Did you ever tell him if you don't
11 stop I'm going to go to HR?

12 A No.

13 Q Is there a reason why you didn't
14 say these things to him?

15 A Because I felt as though nothing
16 would be done.

17 Q But that has nothing to do with
18 telling him to stop, correct?

19 A It has nothing to do with telling
20 him to stop, but telling him to stop, he would
21 go back to his boy Ray.

22 Q Any fear that you had that
23 something might happen to you as a result of
24 telling him that is based on your assumption,
25 correct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Correct.

Q Was there any other incidents with Mr. Childs?

A There was a holiday party also December of 2004, probably the second week, and the photographer asked us to take a picture together and he was standing right next to me, so just sort of the way that he wrapped his arm around me, but he brushed my butt in the process, and there is a whole lot of back to cover when you want to wrap your arm around somebody. Your hand doesn't have to be anywhere near the butt, and it made me feel uncomfortable.

Q Did he place his hands on your dairy air?

A He brushed my butt.

Q So when you say brushed, it sort of moved?

A Right.

Q That hand never stood still --

A No.

Q -- on your diary air; is that correct?

1
2 A Correct.

3 Q Whose idea was it to take a picture
4 with him?

5 A The photographer asked us to take a
6 picture.

7 Q Couldn't you have declined?

8 A I just went ahead and took the
9 picture.

10 Q But couldn't you have declined?

11 A I could have.

12 Q At that point that the picture was
13 taken at the holiday party, had the three other
14 incidents occurred?

15 A Two of the incidents had occurred.
16 The third had not.

17 Q So the third regarding the candy
18 cane had not occurred yet?

19 A Correct.

20 Q Did you say anything to him when he
21 brushed up against you?

22 A No, I just walked away in disgust.

23 Q The reasons why you didn't say
24 anything to him were similar to the reasons why
25 you hadn't said anything in the other three

incidents, correct?

MS. LE ROUX: Objection.

You can answer.

A Correct.

Q And the fear that you had that something might happen to you at The Source if you had said any of these things to him were based on your assumptions, correct?

MS. LE ROUX: Objection.

You can answer.

A Correct.

Q Any other incidents with Mr. Childs?

A No.

Q How did you feel injured as a result of these incidents?

MS. LE ROUX: Objection.

You can answer.

A I felt degraded. I felt objectified. I felt humiliated and harassed.

Q All four incidents Mr. Childs was a subordinate to you, correct?

A Correct.

Q Are there any other factual bases

1

2

A At this time.

3

4

5

6

Q Your third basis for the claims against The Source and David Mays and Raymond Scott is retaliation. What are the factual bases for your retaliation claim?

7

MS. LE ROUX: Objection.

8

You can answer.

9

10

11

12

13

14

15

A I had a history of complaining to Dave Mays and my superiors and department heads about what I perceived as gender discrimination issues and things I had problems and issues with. After The Source awards in 2004 there was that week that Stets didn't come to work at all.

16

Q Stets did not come to work?

17

18

19

20

21

22

23

A Stets, and I had called him on a Thursday and he told me this week was not good for him and he wouldn't be in and he never called me prior to Thursday to tell me he wasn't coming in and I complained directly to Dave Mays about it. I would say at around that time --

24

25

Q When was this complaint? I'm sorry. I missed that whole part. When did

3 A The week after The Source awards,
4 so October of 2004.

5 Q Do you recall what day these Source
6 awards were in 2004?

7 A They were the weekend of Memorial
8 Day.

9 | Q Of Labor Day?

10 A Of Labor Day -- no, not Labor Day,
11 Christopher Columbus, and I don't remember what
12 day on the weekend they fell. Maybe a Sunday
13 night. I'm not sure, and I, myself, was back
14 in the office on Tuesday as were most of the
15 other department heads.

16 Q So what day did he fail to appear
17 to work? Was that the Thursday following?

18 A Tuesday, Wednesday, Thursday, so
19 finally on Thursday I was able to get in touch
20 with him and ask him where he was, why he
21 hadn't been in all week, why hadn't he touched
22 base with me, etc. He in essence told me this
23 week was not good for me and that he wouldn't
24 be in, and I complained to Dave Mays and I
25 would say at about that time Dave's temperament

1
2 with me changed.

3 Q How did it change?

4 A He began to get verbally abusive
5 with me and yelling and cursing at me and
6 speaking to me in a tone that he had never used
7 before, what the fuck are you doing, are you
8 fucking stupid, etc.

9 Q Had he ever spoken like that to you
10 before?

11 A Never.

12 Q Had he ever spoken like that to
13 anyone that you observed?

14 A I have never seen him speak to
15 another male as enraged as he was with me, like
16 literally turning red in the face, screaming at
17 me at the top of his lungs, screaming at me in
18 public in front of my colleagues and
19 co-workers.

20 Q Who was present when this happened?

21 A Well, during one occasion Steven
22 Delmar was in his office when he was cursing me
23 out on the phone and Steven came into my office
24 after it happened and asked me if I was okay
25 because he had heard the entire conversation.

1
2 Q How did he hear the conversation?

3 A He was in Dave's office.

4 Q Okay.

5 A On another occasion Dave screamed
6 at me and cursed me out in front of Dawn.

7 Q Dawn?

8 A Smith and those are the only two
9 times I had witnesses.

10 Q How many times would you say that
11 Dave yelled and screamed at you?

12 A Oh, that's not true. There was
13 another time in a department head meeting at
14 the Comfort Diner on 23rd Street when he yelled
15 and screamed at me at the table and all of the
16 department heads were there.

17 Q When was that?

18 A Late 2004, maybe November,
19 December.

20 Q The first time that he yelled and
21 screamed at you was in October of 2004,
22 correct?

23 A Yes.

24 Q What was the second time?

25 A Probably late October and then it

became a consistent thing.

Q You said there were three occasions, correct?

A That I had witnesses.

Q Oh, I see.

A There were other occasions that he would yell and scream at me and curse at me.

Q You had said that you had not seen him react that way towards men to that degree?

A Correct.

Q Had you observed him yelling and screaming and cursing at men?

A I had seen him -- for example, I had a common wall with a person by the name of Griff. Griff was in the office directly to the right of me and I heard him go into Griff's office one day and was like yo, man, what the fuck is this, but he wasn't yelling or screaming at him at the top of his lungs.

Q But he was yelling?

A He wasn't yelling.

Q He was yelling and cursing, correct?

A No, to Griff?

1
2 A No, I did not.

3 Q When you said that Dave Mays became
4 verbally abusive and was yelling and cursing at
5 you, what did he say?

6 A What are you fucking doing, what
7 are you fucking stupid, and one time he asked
8 me -- I can't remember his exact words, but
9 something to the effect of I'm not fucking
10 saying this in Chinese; you understand what I'm
11 asking you.

12 Q When did he say what are you
13 fucking doing, what are you saying, what are
14 you stupid? Is that when you were talking
15 about Stets Austin?

16 A No.

17 Q When did this happen?

18 A Late 2004 after the last time that
19 I complained about Stets not showing up and
20 being present for a week, suddenly Dave was
21 like a different human being to me.

22 Q You've already described on the
23 record the nature of the complaints that you
24 told him --

25 A Correct.